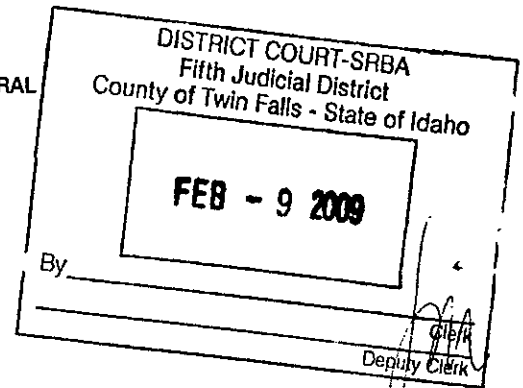




STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 5, 2009

S.M. Brigitte Bilyeu
Snake River Basin Adjudication Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707



Re: Basin 37 Part 2 and Part 3 Separate Streams Clerical Error

Dear Special Master:

The Department has recently discovered in reviewing the separate streams list for Basin 37 Part 3 that two water rights that were included in the Part 3 list should have been included in the Basin 37 Part 2 separate streams list. The water right numbers that were included in the Part 3 list that should be included in the Part 2 list are: 37-21955 (1907) and 37-21972 (1956).

As you will recall, the objection to the separate streams list for Basin 37 Part 2 was resolved via a stipulation that was filed with the SRBA on August 21, 2008. The stipulation resolved the objection by agreeing that separate stream protection would extend only to rights senior to March 13, 1940. Therefore, rights junior to March 13, 1940 were not afforded separate stream protection. Rights senior to March 13, 1940 are listed in General Provision No. 1.A. Rights that are junior to March 13, 1940 are listed in General Provision No. 1.B.

Based on the terms of the stipulation, water right no. 37-21955 (1907) should be included in General Provision No. 1.A (Cow Creek tributary to Camas Creek); water right no. 37-21972 (1956) should be included in General Provision No. 1.B (unnamed stream tributary to Calf Creek). Additionally, both water rights should be removed from the Basin 37 Part 3 separate streams list.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "C. Bromley".

Chris M. Bromley
Deputy Attorney General, IDWR